

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to Fig. 3-4 and 6. These sheets, which include Figs. 3-4 and 6, replace the original sheets including Figs. 3-4 and 6.

Attachment: Replacement Sheets (3)

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1, 5, 19, 25 and 38 and claims 3-4, 23-24 and 39 have been canceled. Accordingly, claims 1-2, 5-22 and 25-38 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Drawings

The drawings were objected to because in Figure 3-4 and 6, it is unclear to the Examiner what is being illustrated. The Applicant has amended the drawings to be more clearly indicate what is being illustrated. The Examiner's approval of the amended drawings is respectfully requested.

3.) Examiner Objections - Claims

Claim 24 is objected to because of informalities. The Applicant has canceled the duplicate claim 24 to correct the informalities.

4.) Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claim 39 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant has canceled claim 39.

5.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-39 under 35 U.S.C. § 103(a) as being unpatentable over Freeman (US 6,252,917) as evidenced and in view of both Tong, et al. (US 2001/0034209) and Rocher, et al. (US 3,754,211). The Applicant has amended independent claims 1 and 19 to better distinguish the claimed invention from Freeman, Tong and Rocher. Claim 1 now incorporates formerly dependent claims 3 and 4, and claim 19 now incorporates formerly dependent claims 23 and 24. As for claims 4 and 24, in paragraph 5 of the Office Action the Examiner states that Freeman as modified by

Rocher (at col. 12, lines 4-8), teaches the NACK-report is transmitted to a transmitter if the time limit is reached prior to the data block being successfully transmitted. Applicant respectfully traverses this conclusion. According to Rocher, if there is no acknowledgement (ACK), then the transmitting terminal, after waiting for a minimum time out, retransmits the previous message. Rocher does not transmit a NACK. In contrast, claims 1 and 19 now provide:

...wherein the NACK-report is transmitted to a transmitter of the data block if the time limit is reached before the stored data block is moved to any of the decoders of the cluster.

Claims 2, 5-18 depend directly or indirectly from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 20-22, 25-38 depend directly or indirectly from amended claim 19 and recite further limitations in combination with the novel elements of claim 19. Therefore, the allowance of claims 1-2, 5-22 and 25-38 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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